



# *Office of the Attorney General*

**Governor**  
Matthew H. Mead

**Attorney General**  
Peter K. Michael

Water and Natural Resources Division  
123 State Capitol  
Cheyenne, Wyoming 82002  
307-777-6946 Telephone  
307-777-3542 Fax

**Chief Deputy Attorney General**  
John G. Knepper

**Division Deputy**  
James Kaste

November 28, 2014

Shaun McGrath, Regional Administrator  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Re: Attorney General Certification Regarding Wyoming's "Categorical Use Attainability Analysis for Recreation"

Dear Administrator McGrath:

On August 20, 2014, the Wyoming Department of Environmental Quality/Water Quality Division Administrator issued a *Final Determination Regarding the Categorical Redesignation of Streams in the State from Primary Contact Recreation to Secondary Contact Recreation (Final Determination)*. That determination was based on an extensive, multiyear regulatory process that culminated in the development of a *Categorical Use Attainability Analysis for Recreation (Categorical UAA)*. The *Categorical UAA* was developed in close coordination with members of your staff and other interested private and public stakeholders.

This letter certifies, in accordance with 40 C.F.R. § 131.6(e), that the water quality standards identified in the *Final Determination*, as more fully described in the *Categorical UAA*, were adopted in accordance with Wyoming law. Sections 33 and 34 of Chapter 1, *Wyoming Water Quality Rules and Regulations*, provide that any person may petition to change the classification, add or remove a designated use, or establish site-specific criteria on any surface water in the State. Sections 33 and 34 allow, after public notice and opportunity for comment, the Water Quality Administrator to lower a classification or modify the designated use of a surface water if it can be demonstrated through a Use Attainability Analysis that the original classification and/or designated use is not attainable. Water quality standard decisions made by the Water Quality Administrator may be appealed to the Wyoming Environmental Quality Council pursuant to Wyo. Stat. Ann. § 35-11-112(a)(iii) and the rules and regulations of the Wyoming Department of Environmental Quality. See, e.g., Section 16 of Chapter 1, *General*

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*Rules of Practice and Procedure*, and Section 34(a) of Chapter 1, *Wyoming Water Quality Rules and Regulations*. The sixty (60) day appeal period for the *Final Determination* has now lapsed, and no appeals were filed.

Please contact me at (307) 777-7819 if you have any questions regarding this certification or Wyoming's regulatory process for adopting water quality standards, including modifications to existing designated uses.

Sincerely,



Dave Ross  
Senior Assistant Attorney General

cc: Kevin Frederick, WDEQ/WQD  
David Waterstreet, WDEQ/WQD  
Lindsay Patterson WDEQ/WQD